

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

NEW MEXICO HEALTH
CONNECTIONS,

Plaintiff,

v.

No. 1:18-cv-00773 JB/KBM

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

NOTICE OF WITHDRAWAL

Pursuant to Local Rule 7.7, Plaintiff New Mexico Health Connections (“NMHC”) by and through its undersigned counsel, hereby gives notice of its withdrawal of its pending Motion for Summary Judgment (Dkt. Entries 8 & 9) without prejudice. NMHC has conferred with counsel for Defendants and Defendants consent to this withdrawal.

As explained in the Joint Motion to Stay Proceedings filed on October 5, 2018, the Parties have agreed that the Court should stay this matter pending its resolution of Defendants’ Rule 59(e) motion in *New Mexico Health Connections v. U.S. Dep’t of Health & Human Services*, No. 1:16-cv-878 JB/JHR (D.N.M.). Following the Court’s resolution of the Rule 59 motion in the earlier filed action, the Parties will meet and confer in order to establish a briefing schedule in this action. The Parties will then file their dispositive motions (including, but not limited to, the matters set forth in the Motion for Summary Judgment being hereby withdrawn without prejudice) in accordance with this briefing schedule.

Dated: October 9, 2018

/s/ Nancy R. Long

Nancy R. Long
LONG, KOMER & ASSOCIATES, PA
PO Box 5098
Santa Fe, NM 87502
(505) 982-8405
nancy@longkomer.com
email@longkomer.com
vmarco@longkomer.com

Barak A. Bassman
Sara B. Richman
Leah Greenberg Katz
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215-981-4000
bassmanb@pepperlaw.com
richmans@pepperlaw.com
katzl@pepperlaw.com

Marc D. Machlin
PEPPER HAMILTON LLP
Hamilton Square
600 Fourteenth Street, N.W.
Washington, D.C. 20005-2004
202-220-1200
machlinm@pepperlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I caused the foregoing document to be served on counsel for Plaintiff by filing with the court's electronic case filing system.

/s/ Nancy Long
Nancy Long